

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AHMED KHALFAN GHAILANI,

Movant,

-against-

16-cv-4444 (LAK)
[98-cr-1023 (LAK)]

UNITED STATES OF AMERICA,

Defendant(s).
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ORDER

LEWIS A. KAPLAN, *District Judge*.

Movant was convicted of conspiracy to bomb buildings and other property of the United States and sentenced in 2011 to a term of life imprisonment. The conviction was affirmed in 2013. His Section 2255 motion was denied in 2016, and the Court of Appeals denied a certificate of appealability in 2017. In 2020, movant filed a Rule 60 and other motions which were denied on August 31 of that year. In early 2021, he moved for reconsideration. That motion was denied in March 2021.

Movant now moves for a 60 day extension (although it is unclear what time period he wishes to have extended), a 60-day stay of what he describes as “this pending Rule 60 litigation,” or, alternatively, construction of his present application as a notice of appeal “in conjunction with requesting” a certificate of appealability (albeit he does not indicate what he wishes to appeal).

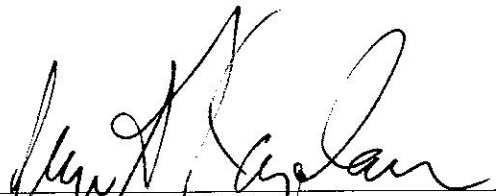
The motion (98-cr-1023 Dkt 2179) is denied in all respects. What movant calls “this pending Rule 60 litigation” began in 2020 and ended in August of that year or, if one takes account of his motion for reconsideration, last month. Accordingly, there is no Rule 60 litigation to stay.

Assuming *arguendo* that there were something to appeal, the Court declines to treat the present motion as a notice of appeal because it does not clearly state what order or judgment movant wishes to appeal from. In an abundance of caution, a certificate of appealability is denied, and the Court certifies that any appeal would not be taken in good faith within the meaning of 28 U.S.C. §1915(a)(3).

The Clerk shall mail a copy of this order and of each other order entered in 2020 and 2021 to movant by certified mail, return receipt requested, and so note on the docket.

SO ORDERED.

Dated: April 9, 2021



Lewis A. Kaplan
United States District Judge